

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALONZO LOPERA GAONA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-310J
)	Judge Gibson
JOHN M. ASHCROFT,)	Magistrate Judge Caiazza
)	
)	
Defendant.)	

ORDER

The Plaintiff has submitted for filing a Civil Rights complaint in which he seeks leave to prosecute in forma pauperis. The filing fee is \$250.00. The Plaintiff does not have sufficient funds in his prison account to pay the entire filing fee. The Prison Litigation Reform Act of 1996, 28 U.S.C. § 1915(b) as amended April 26, 1996, requires that prisoners who cannot pay the full filing fee immediately, submit an initial partial filing fee and the balance in installment payments. The average monthly balance in that account for the last six months is \$47.00. The average deposits for that time is \$33.00. Therefore, in accordance with 28 U.S.C. § 1915(b)(1) his initial filing fee will be twenty percent (20%) of that amount, or \$9.00. The following order is entered:

AND NOW, this 21st of July, 2005,

IT IS HEREBY ORDERED that leave to proceed in forma pauperis is granted. The Plaintiff's initial filing fee will be \$9.00. Within twenty (20) days plaintiff shall authorize payment of the initial filing fee in the amount of \$9.00, together with subsequent monthly installments, by returning to the court one of two attached copies of the notice with the AUTHORIZATION section signed, or shall indicate his intention to withdraw the action by returning the notice with the WITHDRAWAL OF ACTION section signed.

IT IS FURTHER ORDERED that the Plaintiff is allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

July 21, 2005

s/Francis X. Caiazza
FRANCIS X. CAIAZZA
UNITED STATES MAGISTRATE JUDGE

cc:
Alonza Lopera Gaona, #25212-077
FCI Loretto
P.O. Box 1000
Loretto, PA 15940